

## MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC  
February 10, 2005

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Mayor Robert D. Parrott and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott  
Mayor Pro-Tem Ric Miller  
Council Member Mildred A. Council  
Council Member Ray Craft  
Council Member Pat Dunn  
Council Member Rose H. Glover  
Council Member Chip Little  
Wayne Bowers, City Manager  
Wanda T. Elks, City Clerk  
David A. Holec, City Attorney

### APPROVAL OF AGENDA

City Manager Bowers informed the Council that the Greenfield Terrace Association requested to have input on the naming of building at Greenfield Terrace Park. Therefore, it has been requested that this item be continued until the March 10, 2005 City Council meeting. Also, the resolution regarding the one-cent sales tax for Pitt County was continued until tonight.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to approve the agenda as amended. Motion carried unanimously.

### SPECIAL RECOGNITIONS

Mayor Parrott stated that eight students from Rose High School recently participated in Mock Trial Competition State competition in Charlotte against 14 other teams from across North Carolina. During this competition, Adam Ballance and Brian Farkas received the Best Attorney Award and Kenneth Ward received the Best Witness Award. The entire team came in first place in the State Mock Trial Competition. The coach for the team was Liza Knight and the Attorney Coaches were Jeff Miller and Kim Swank. Certificates were presented to each of the participants.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

### Affordable Housing Loan Committee

Motion was made by Council Member Little and seconded by Council Member Craft to elevate Pamela Kesegi from alternate member to a regular member to fill an unexpired term expiring February 2007 replacing Chris Darden, who resigned. Motion carried unanimously.

Council Member Little requested that the reappointment of Don Edmonson and appointment of the Alternate member be continued to March.

### Planning and Zoning Commission

Motion was made by Council Member Craft and seconded by Council Member Council to appoint B. Porter Stokes as Alternate #2 to fill an unexpired term expiring June 2005. Motion carried unanimously

### Public Transportation and Parking Commission

Motion was made by Council Member At-Large Dunn and seconded by Council Member Council to appoint Allison Moore for a first three-year term expiring January 2008 replacing Jonathan Russell, who relocated. Motion carried unanimously.

## ORDINANCE REZONING THOMAS F. TAFT, SR. PROPERTY LOCATED NORTHEAST OF INTERSECTION OF STANTONSBURG ROAD AND B'S BARBECUE ROAD FROM MR TO MO - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on January 31 and February 7, 2005 setting this time, date and place for a public hearing to consider a request by Thomas F. Taft, Sr. to rezone 9.5345 acres located northeast of the intersection of Stantonburg Road and B's Barbecue Road, from MR to MO. At its November 16, 2004 meeting, the Planning and Zoning Commission voted to recommend denial of the original request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that the amended request is for Medical Office (MO) and the current zoning is MR. The MO zone does not contain any residential option, so there will be some type of nonresidential use on this property in the future. There are apartments located to the west of this site. The Duffus Law Firm is located immediately opposite and south of Stantonburg Road. The land use plan map recommends offices, institutional, and multi-family at this site. Medical Office zoning would be in accordance with the Land Use Plan as well as the Medical District Plan so this request is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Phil Dixon, on behalf of the petitioner, stated that the Planning and Zoning Commission heard this matter on November 16, 2004. One of the suggestions that they made at the time was

that it is time to revisit the Medical Land Use District Plan that was developed in 1986 and amended in 1993. He served on the initial study committee. A lot of time was spent developing a good plan for trying to deal with all the growth that they thought would be anticipated in that area. A very large commercial tract is on the fringe of the Medical District to the immediate west. When they were trying to develop a concept for the Medical District, the idea was a bull's eye approach. There would be the medical school and hospital in the core. Medically related and professional development would be outside of that. On the fringe, after going through multi-family development and residential, there would be some commercial development to try to draw people away from the medical part where there would be so much traffic. The tract of land that lies to the west of the property really makes it undesirable for them to continue to develop that as residential. The MO suggestion, which is recommended by the staff and is consistent with the City land use plan, is ideal. This is a very lovely entrance to the City right now. There is a nice complex of apartments and a fence that graces the entrance to the City. This will be a nice transition for them.

Mr. Dixon further stated that when they met with the Planning and Zoning Commission, it was recommended that they revisit the Medical Land Use District Plan. One of the things that they mentioned is that they noticed that the commercial tract to the west of the property does not have sewer. Apparently, it is not likely to have sewer in a long time. Randy Emory and Cliff Cahoon of Greenville Utilities informed them that gravity sewer goes about as far as to this tract and no further. A substantial investment is required as far as any commercial development to the tract to the west of this property. They also discovered through a survey done by Rivers and Associates that the commercial tract is also really not as large as one might think because about 20% is wetlands. One of the suggestions that they were making initially is that the Council might consider some commercial development at the corner. After speaking to Chief Planner Harry Hamilton, they became convinced that a more appropriate zone would be MO. One of the very important things is Mr. Hamilton mentioned that a neighborhood district corridor planning process was going to be undertaken by the City. They would consider in the future perhaps an overlay on this property since this is one of the major corridors and gateways leading into the City. Potentially, there might be more flexibility in the MO zoning classification so that other uses might be allowed in the future subject to certain performance standards. A permitted use in this area would be a pharmacy or a restaurant. A restaurant would require a special use permit. It is ideal for office development. It seems that a lot of changes have been made in the hospital area. Mr. Dixon stated that the request is conformance with the Comprehensive Plan and the Land Use Plan. It is also compatible with the adjoining properties.

There being no other comments, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the ordinance rezoning 9.5345 acres located northeast of the intersection of Stantonsburg Road and B's Barbecue Road, from MR to MO. Motion carried unanimously. (Ordinance No. 05-08)

ORDINANCE REZONING L. STUART SAVAGE, ET. AL. PROPERTY LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF DICKINSON AVENUE AND EAST OF LINDBETH DRIVE FROM R9 TO OR - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on January 31 and February 7, 2005 setting this time, date and place for a public hearing to consider a request by L. Stuart Savage, et. al. to rezone 3.481 acres located along the eastern right-of-way of Dickinson Avenue and 140± feet east of Lindbeth Drive from R9 to OR. The Planning and Zoning Commission at its January 18, 2005 meeting voted to recommend approval of the request.

Mr. Hamilton delineated the property on a map. Staff anticipates that at the present zoning, the site would yield 18 duplex units. The requested zoning is OR and staff anticipates that the site would yield 47 two and three bedroom units based on similar site comparison of Willoughby Park at 14 units per acre. At maximum density, the site would yield 57 one, two and three bedroom units. The site could also be developed as offices. The Land Use Plan recommends office/institutional/multi-family for the area near the corner of the intersection along with a conservation area along Reedy Branch. A Tar-Pamlico Water Quality Stream Buffer that would be 50 feet from the top of the bank is also required. Any medium and high-density residential or non-residential development would be prohibited within this buffer. The proposed rezoning should not significantly increase traffic to and from the site.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Jon Day, representing the petitioner, stated that this property is the former location of the Savage home place, which burned several years ago. The family is currently under contract with Byung-Lee, who wishes to have an after school program there. The property could be developed as several office buildings, probably medically related.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Dunn to adopt the ordinance rezoning 3.481 acres located along the eastern right-of-way of Dickinson Avenue and 140± feet east of Lindbeth Drive, from R9 to OR. Motion carried unanimously. (Ordinance No. 05-09)

ORDINANCE ANNEXING WELLS CHAPEL CHURCH OF GOD IN CHRIST PROPERTY LOCATED ON EASTERN SIDE OF NCSR 1203 (ALLEN ROAD) AND SOUTH OF NORFOLK SOUTHERN RAILROAD – ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on January 31, 2005 setting this time, date and place for a public hearing to consider a request by Wells Chapel Church of God in Christ to annex 17.605 acres located on the eastern side of NCSR 1203 (Allen Road) and about 517 feet south of the Norfolk Southern Railroad. This is a contiguous annexation.

Mr. Merrill Flood, Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is church development. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance annexing 17.605 acres located on the eastern side of NCSR 1203 (Allen Road) and about 517 feet south of the Norfolk Southern Railroad. Motion carried unanimously. (Ordinance No. 05-10)

ORDINANCE ANNEXING REGGIE SPAIN CONSTRUCTION PROPERTY (ASHCROFT VILLAGE, SECTION TWO) LOCATED NORTH OF FIRE TOWER ROAD AND BETWEEN NORTHERN TERMINUS OF ASHCROFT DRIVE AND THE WESTERN TERMINUS OF COLEMAN DRIVE - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on January 31, 2005 setting this time, date and place for a public hearing to consider a request by Reggie Spain Construction to annex Ashcroft Village, Section Two, containing 13.733 acres located about 640 feet north of Fire Tower Road and between the northern terminus of Ashcroft Drive and the western terminus of Coleman Drive. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is for 40 single-family dwellings. The current population is 0, and the anticipated population at full development is 94, with 17 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Council to adopt the ordinance annexing Ashcroft Village, Section Two, containing 13.733 acres located about 640 feet north of Fire Tower Road and between the northern terminus of Ashcroft Drive and the western terminus of Coleman Drive. Motion carried unanimously. (Ordinance No. 05-11)

ORDINANCE ANNEXING PHILIPPI CHURCH OF CHRIST PROPERTY LOCATED NORTH OF NC HIGHWAY 33 AND WEST OF NCSR 1530 (MUMFORD ROAD) - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on January 31, 2005 setting this time, date and place for a public hearing to consider a request by Philippi Church of Christ to annex 1.339 acres located north of NC Highway 33 and about 850 feet west of NCSR 1530 (Mumford Road). This is a noncontiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is for church development. The current population is 0, and the anticipated population at full development is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance annexing 1.339 acres located north of NC Highway 33 and about 850 feet west of NCSR 1530 (Mumford Road). Motion carried unanimously. (Ordinance No. 05-12)

ORDINANCE REQUESTED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AMENDING THE SIGN REGULATIONS TO INCLUDE REFERENCE TO THE STANDARDS APPLICABLE TO THE CLASS OF SIGNS ENTITLED "SIGNS NOT REQUIRING PERMITS" AND TO INCLUDE CRITERIA CONCERNING THE MAXIMUM DIMENSION OF BALLOONS AND THE METHOD OF ATTACHMENT AND DISPLAY OF TEMPORARY "ROOF-MOUNTED INFLATABLE BALLOONS" - CONTINUED TO MARCH 10, 2005

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on January 31 and February 7, 2005 setting this time, date and place for a public hearing to consider a request by the Planning and Community Development Department to amend the sign regulations to include reference to the standards applicable to the class of signs entitled "signs not requiring permits" and to include criteria concerning the maximum dimension of balloons and the method of attachment and display of temporary "roof-mounted inflatable balloons." The Planning and Zoning Commission voted to recommend approval of the request at its January 18, 2005 meeting.

Mr. Hamilton stated that the original request was reviewed by the Planning and Zoning Commission in November and provided to Council. City Council returned the amendment back to the Commission to review the substituted options submitted by interested persons. At its January 18 meeting, the Planning and Zoning Commission recommended approval of the original staff request, with the additional requirement that no balloon may exceed a dimension of 20 feet. The proposed ordinance has been amended to reflect that additional requirement.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Porter Coffman, who is in the coffee business, stated that he has utilized blimps in the past. The blimp, which is a very effective means of advertising, is to be used at a high level. At only 25 feet, it takes away from its effectiveness. If the Council chooses to allow the use of a blimp, it should be at least 125 feet in the air. At 25 feet high it would be a distraction to the cars and cause a disturbance. There should be an offset of 40 feet.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to adopt the ordinance with an amendment to provide that the maximum height is 125 feet plus another 25 feet for clearance.

After discussion about wanting to see an amended ordinance prior to voting on it, Council Member Craft withdrew his motion and Council Member Council withdrew her second.

Motion was then made by Council Member Craft and seconded by Council Member Council to continue consideration of the ordinance until March 10, 2005. Motion carried unanimously.

RESOLUTION AUTHORIZING DISPOSITION OF LOTS 10, 12, 19, 22, AND 23 IN COUNTRYSIDE ESTATES SUBDIVISION TO RAYMOND CARNEY CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF SINGLE-FAMILY HOUSING - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the resolution authorizing the disposition of Lots 10, 12, 19, 22, and 23 in the Countryside Estates Subdivision to Raymond Carney Construction Company, Inc. for the construction of single-family housing. Motion carried unanimously. (Resolution No. 05-08)

ORDINANCE GRANTING LIMOUSINE FRANCHISE TO HODGES LIMOUSINE, INC. DBA COASTAL LIMOUSINE - ADOPTED

City Attorney Dave Holec stated that notice of public hearing was advertised in The Daily Reflector on January 31, 2005 setting this time, date and place for a public hearing and second reading of an ordinance establishing a limousine franchise for Hodges Limousine, Inc. DBA Coastal Limousine. The first reading of the ordinance was on February 7, 2005. Notices were mailed to all taxicab and limousine franchisees. Staff recommends approval of the request.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Council to approve on second reading the ordinance granting a limousine franchise to Hodges Limousine, Inc. DBA Coastal Limousine. Motion carried unanimously. (Ordinance No. 05-13)

PUBLIC HEARING TO REVIEW PERFORMANCE OF CABLE OPERATOR AND IDENTIFY FUTURE CABLE-RELATED COMMUNITY NEEDS

Ms. Jean Rice of Rice, Williams Associates stated that this contract has been in place for about 15 years. In that period of time, there have been many changes in the laws that regulate cable television. Ms. Rice briefly described where they are in the process regarding renewal, the objectives for the process, input that is going to be and has been received from the community, key issues that will be discussed in the process, and the results.

Ms. Rice stated that federal law regulates the renewal process, which begins 30 to 36 months before expiration and requires operator performance and community needs assessment, as well as a public process. Congress sees the market inefficiency and allows the City to establish

certain requirements. A formal process is established if no agreement can be reached. Federal law deals with the renewal of an incumbent cable operator; in this case it is Cox Communications. If there is any competition from another operator, they can come in at any time as they have done in the past. This is a process set up just for incumbent cable operators. Notice has to be given about three years before the expiration and it was done. It requires the municipalities around the country to take a look at the operator's performance and community needs. It also requires input from the public in the process and it gives some very special abilities for the City. When Congress did it, they set up various areas that the City can make requirements in such as the number of access channels, equipment needed for access, and institutional network among other things. It also establishes that if the City does not come to an agreement in informal negotiations, there is a formal process that needs to be gone through. It is a process that sets forward the information that needs to be provided and what will happen, and what requirements the City has to have for a denial.

Ms. Rice stated that the objectives are to benefit from the Telecommunications Age; to build on local resources; to assess the future cable-related needs of subscribers, the City, organizations and local stakeholders; and to utilize the cable renewal process for the development of subscriber options and service, local public services, local programming, intelligent infrastructure and smart community development and use. When considering renewal, the public's and City's perspective have to be considered. This is an opportunity to utilize the renewal process to develop new options for subscribers and services that they go through, local public benefits and services, local programming and intelligent infrastructure or smart community planning, which is the idea of using the cable system and its resources. There has been quite a bit done already in the community input process. First, a technical review is done of the cable system's proof of performance test, how well is it actually operating in terms of what consumers see on the TV. A consumer market survey was done to assess what the needs of the consumers are and what kinds of future regulations might be needed to ensure that their needs are met. A community needs assessment was conducted, which was the survey of community organizations and city departments. The local programming and the institutional infrastructure needs within the community need to be reviewed. In the process at the moment is a review of what the access and equipment needs are in that area now and in the future. The community input and public hearing process will include a review of the performance of Cox Communications and identifying future cable-related community needs. The principal reasons to have the public hearing are to look at the performance of Cox Communications and to identify the future cable related community needs. They are looking forward to hearing what people have to say in the hearing so that any issues, problems, or needs can be addressed through the process.

Ms. Rice continued by stating that the issues that they will be going through are consumer practices, which is the main issue; access (equipment, facilities, channels and the ability to originate programming from various locations) and institutional services (whether that will be high octane telecommunications or whether it will be upstring capacity that might go from a recreational center that will have a number of computer terminals for students to learn how to use the Internet). They will look at extension of the cable service, what technical additions would be needed to the cable system and how to keep the cable system state of the art over time. In addition, they will look at regulatory authority (what regulatory authority is needed that has changed over the last period of time as well as what has changed just by law) and cable infrastructure (how the smart community infrastructure can be used). Throughout the whole



process they will be looking at how the costs for these public benefits are taken into account because there can be some additions to the bill to defray the costs on those. The City Manager would be updating the City Council on the progress of the negotiations. The results of this entire process would be in an updated ordinance, which will take into account all the changes over the years as well as things that are looking futuristic. It would include what citizens would like to see, how those types of regulations could be instituted to allow for change in the future, and a franchise agreement that codifies all the negotiation agreements. The results would also include the same kind of key issues of making sure that customer service, technical additions, access, institutional applications and the future developments are taken care of within the franchise as the City goes through the process.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Ms. Cherie Speller, President of the Public Access Channel Corporation (Channel 23 on Cox Cable), stated that the City approved the creation of the Greenville Public Access Television Corporation (GPAT) in 1999 to establish and operate a public access channel. Funding of \$8,000 was approved at that time and in 2000 the City granted \$14,000 to GPAT for a total of \$22,000 in support in the last five years. In 1999, it was estimated that it would cost \$190,960 in the first year alone to fund a public access program considering the equipment purchases, building, upfitting, fiber connection and other one-time costs. GPAT has managed to run a public access program with \$22,000 in five years because of East Carolina University (ECU). Members of the GPAT Board cannot say enough about ECU and its support for GPAT. It has provided facilities, equipment, and operating personnel for this channel. Ms. Speller further stated that ECU has generously asked to continue its support of this channel, but just until this contract with Cox Communications and the City of Greenville has been consummated.

Ms. Speller stated that they are here tonight to ask for financial support for the City's community channel that the City Council created in 1999. They have a proposed first year budget of nearly \$150,000. An ordinance adopted by the City Council says that GPAT is entitled to a percent of the cable franchise fees to operate this public access channel. Other cities in North Carolina have developed their own methods for supporting this channel. In Asheville, the public access channel gets \$.20 per subscriber to operate the channel and the city pays its capital expenses. The franchise agreement between the City of Charlotte and Time Warner Cable requires all cable subscribers within the city to be charged a monthly fee to support the public access channel. This is listed as a separate line item on the cable bill and the fee is currently \$.22 per subscriber and it is adjusted annually. In Chapel Hill, each subscriber pays \$.72 for the public access channel that is adjusted \$.02 each year so subscribers soon will be paying \$.74 for their support of the channel. GPAT wants to be included in these negotiations for this cable contract because Greenville cannot afford to have another 15 years without a viable public access channel. Greenville public television is important because the mission of public access TV gives Greenville residents the opportunity to create local cable television programming based on the principles of free speech, diversity, and democratic participation. With this channel, City residents can decide what's on TV; it is just not determined by the networks or cable programming. Their goal is to promote the use of the channel to provide production facilities, technical assistance, and training to any individual, organization or group interested in producing informational, entertaining, educational and other television programs pertinent to the City. Simply put, it's television for Greenville by the people of Greenville. Ms Speller stated that

some of the programs that GPAT has produced include City Council candidate interviews; United Way Campaign kickoff and video identifying the many needs of the City; Chamber of Commerce Community Unity Breakfast held in celebration of the birthday of Dr. Martin Luther King, Jr.; League of Women Voters Candidates Forum where candidates answer questions submitted from citizens; religious programs on how to be better people and better neighbors have been on this channel; and programs including heart health, mental health, living with cancer, how to buy a house, how to have good credit so that you can afford to buy the house, martial arts, and people in activities at the University. Ms. Speller stated that the real potential of this channel lies in its possibilities. Ms. Speller concluded by stating the GPAT programming represents Greenville by the citizens of Greenville. Congress recognizes the intrinsic value of this when it passed the cable communications policy act public law that provides for public access channel as well as government and education channels. The possibilities are endless. She encouraged each of the Council Members to start their own list of programs. Ms. Speller stated that it would be GPAT's pleasure and duty to help the Council create those programs that showcase what the City has to offer and to create those programs that the citizens would like to see.

Mr. Javier Castillo, former Chairman of the Citizens Advisory Committee on Cable Television, recalled that he presented problems with the public access channel to this City Council's predecessors. He requested that the public access channel be created as a separate corporation and they did receive the initial funding. At that time, he tried to give the Council some creative ways of financing because they hit roadblocks. The City Council did not want to give them any of the franchise money, although it is written in the ordinance. When this Council renegotiates, he would like to see that the City give a percentage to the public access channel. Also at that time, Cox Cable gave them equipment and a little fiasco occurred before the equipment was dispersed so now the channel needs equipment. Mr. Castillo asked that the City Council also consider this in their renegotiating. He stated that Cox Communications may like to donate new equipment because what they have is obsolete. Mr. Castillo proposed that the increment in the royalties be used. Every year there are more clients or they are raising the fee prices and the City receives a little bit more money. The Council could put a capital fund in the budget and give the public access channel the excess. Some members of the City Council said it was like opening Pandora's box, but they received the \$8,000 funding. They requested the little space in the back room near the Council Chambers, and it was denied. They went through a series of steps and now they have good programming. Mr. Castillo further stated that for many years they asked Multimedia to put Univision on cable. No matter how many petitions that they brought to this chamber, they were ignored. Then came the satellite dish and now he enjoys more than 20 channels in Spanish and the residents in Greenville cannot do this on cable. The only reason that they got Telemundo is because it is owned by NBC. They said that nobody spoke Spanish in town. The Hispanic community represents \$13 billion in economic activity in North Carolina. Residents in apartments should have the opportunity to not be a part of a monopoly. If someone wants to have the Direct TV or a satellite dish, they could have it in their apartments. These are some of the suggestions for the Council's renegotiating of the franchise agreement.

Ms. Deborah Long, Public Information Officer for Pitt County Schools, stated that she and Tim Decressi, Instructional Technologist with Pitt County Schools, are here tonight to ask for the Council's support of a proposal from Pitt County Schools that they have submitted to the City of Greenville for consideration as a community need. Their proposal outlines a plan for creating

television studios in a number of elementary, middle and high schools. This opportunity will go hand in hand with a curriculum designed to expose students to real world opportunities. Over the years, they have enjoyed having space on cable Channel 13. They have been able to show the community, the people of Pitt County Schools and they have also had the opportunity to discuss children's health issues as well as showcase special events going on throughout Pitt County Schools. With this proposal, they would like for students to learn about TV production and in return produce programming for Channel 13 and possibly GPAT. This will give students real life experiences as early as elementary school. Students who have had the opportunity to participate in the program will have a stronger chance of working in television after high school and college. Students will be exposed to the behind the scenes work of television as well as have the opportunity to participate in on air projects. The community will see a benefit to this proposal as well by having the ability to tune in to watch quality student produced programming. It will also enable them to stay abreast of what's happening in the schools. It is important for the Council to know that this is not a concept; this is a reality. Their Technology Department is writing a television production curriculum into this year's technology plan. They are asking for the City Council's help in getting this program off the ground. They have submitted the same proposal to Pitt County government as well as to the Town of Farmville, who are both involved in cable franchise renegotiations. Officials from both governmental entities have informed them that their proposal is a top priority on their community needs assessment. Ms. Long stated that they are asking that the City of Greenville consider them as well.

Mr. Frank Schenck, Vice-President of GPAT, stated that their first desire is that they follow the guidelines of City Ordinance No. 2374 that says that two-fifths of the franchise fee that is levied on the cable company, which now amounts to about a half million dollars, be divided between the public access channel and the City channel. They think that the City should honor that. Their second request is that they should be part of the negotiations, which is in the rules of the renegotiations. Mary Ann Bailey, Director of the Asheville channel, clued them in on another consultant firm, Buskie Group, which has a basic formula, which could be part of the franchise agreement. Public access really has three legs to a stool. The first is it is a junior C-Span where candidates for office can get on the television for a period of time to explain the policies and their points of views and not have to pay exuberant fees to broadcast television for thirty seconds. The second big use is there are 400 nonprofit corporations in Pitt County. They have to get their messages out and one of the things is to work with videos for each one of these groups so that they can tell the people what they are there for. The third use is Channel 23, which is the only channel that can have free religious programs. Mr. Schenck stated that they feel that the City Council cannot be against free speech, or against morality, so they have a win win situation.

Mrs. Clotea Garrett of 1204 W. Fifth Street stated that she is pleading for people in her age group about the ridiculous cable rates. In 1995, her rate was \$25.52, in 2000 it was \$38.30, and now it is \$44.20. The rate goes up \$.10 or \$.15 per month. People in her age group do not need 50 channels; about a dozen would be fine. Mrs. Garrett asked that the City Council take this in consideration.

Mr. Tracey Blake, Station Manager of GPAT, stated that in 2006 when the Council has a chance to make a change, the Channel becomes a problem of the City not a problem of the University. At that time, they want it to be something that the University can enjoy. They have academics

that are mixing along with education on the channel through the process of the communications school. The Communications School is now at the point where they can actually produce programming to put on the channel. It took a two-year process for that to happen. If they want to see that process continue, they need a channel to do it with and it will take a lot of funding. All of the funding that has been put in this channel so far except for the money that has been mentioned has come from the University. They have been very tactful on how they achieve this funding. They need the opportunity for the channel to continue to grow and the community access television channel that they have now has already set a standard for people to follow. The channel has great religious, educational, and public programming. It is not going to be a NBC, CBS or FOX. It will always be a cable access channel. There will not be high-end programming because one it cost a lot of money. The average program produced for 30 minutes would cost an average of \$200 a finished edited minute just to run on the air prior to paying any air time or any other production fees. A simple figure of \$6,000 is just to run a 30-minute program on the air. So when they put on 24 hours of programming, 7 days a week, 365 days a year, there is a lot of expense. Tonight, an institution asked for support for a studio and funding. If the Council can find a way, it should give it to them because those students who learn at lower educational levels and who come up to the higher educational levels will be future leaders. It is not about television anymore, it is about communications. Video technology is what the future is in communications. The demand is never going to back off.

Mrs. Mary Alsentzer stated that she was one of the Council Members in office when they gave GPAT \$5,000, which was a start. She thinks of public access as being the community network. Many years ago Frank Schenck, her, and others went to Winston-Salem, which has an incredible public access channel. They have more than running a community calendar and events on a city channel. There are public service groups on television. It is an opportunity for people to share music, political beliefs and platforms, dance recitals, and religious groups. She envisions something like Greenville's emerging issues. Programs for shut-ins would be a great use for the channel. The good news is there are no limits to the benefits of a good public access channel. The bad news is that the City is falling way behind. There are other cities in North Carolina that are years ahead of them and it is time to make some progress in this direction. The other good news is with the City Council's help and good judgment she knows that the City can get there. She is hoping that the Council will consider taking the money that was put into the original ordinance and put that into a wonderful public access channel.

Dr. Jamal Mustafa stated that he has been a resident of Greenville for 25 years and is a professor at the Medical School who represents the Islamic community of Greenville. They would like to thank the GPAT and City for giving them the chance to present the true Islam and aspects of Muslims, especially after 9-11, which had really created a stereotyped image. It has been a tremendous help for them to have open house and to promote interfaith dialogue with other churches in Greenville. This has brought many other churches, including the Islamic Center, together and they continue to have these dialogues. As the Greenville community is growing to be more culturally and racially diverse, a channel is needed for people to understand each other and to be more cooperative and understanding of each other's faith.

Mrs. Camelia Davis, representative for the Pitt Children's Clinic, stated that she is here to encourage the City Council to give better cable access to the needs of the small business community. She appeared at the County Commissioners meeting on January 10 and discussed

the needs of the small businesses that are having trouble getting access to cable. Shortly after that, an article appeared in the newspaper about small businesses getting access. Cox Communications said that it is not economically beneficial to do so. She has trouble thinking that Cox Communications does not make enough money to make it worthwhile for them to connect all businesses. It is fast becoming a requirement to have Internet and cable access when doing business especially with the medical community. Mrs. Davis stressed the importance of electronic communications for small businesses. She stated if the City has another 15-year contract, that is a long time to wait to discuss having access again.

Mr. Larry Ald, a resident and member of the Greenville Public Access Television Board of Directors, stated the constitutional right of free speech is exercised in many ways; it is exercised when one speaks to others face-to-face, including standing on a street corner or before a live audience, writing for publications including letters to the editor, producing films and video programs, and exchanging viewpoints electronically including telephones and e-mail. Other than face-to-face conversation, there is a monetary cost of varying amount and payment may be direct or indirect. Most forms of free speech require an investment of time, money and effort. A purpose of public access television is to facilitate giving voice to personal interest, opinions, creations and concerns, thereby supporting the right to free speech as guaranteed in the first amendment of the Constitution. The quality of life for everyone is enhanced when communities support the constitutional rights including the right of free speech via public access television. Even though relatively small numbers of citizens actually take advantage of public access television either by going before the public or by watching and listening to others who go before the public. However, these numbers are less important than the potential for providing this powerful media with its ability to give everyone the opportunity to share free speech. The provision of public access television in the community enhances the opportunity to exercise the right of free speech with a minimum investment of time, personal money and effort. There is the additional requirement of investment in thought. Otherwise, speech freely given may lack content.

Dr. Dennis Massey, President of Pitt Community College (PCC), stated that one of the strategic goals that he set for the College upon his assuming the presidency in 2003 was communications. This has been pursued through many avenues: active participation in the community, advisory committees, an annual report, press releases and presentations. Pitt Community College currently enrolls over 11,500 credit and continuing education students every semester, and their economic impact is significant. They are fortunate to be located on the southern edge of Greenville and benefit greatly in being part of a vibrant city and region. He is particularly pleased that the partnerships with Pitt Community College were explicitly included as part of the goals of the Greenville City Council in their recent retreat. As the Council plans the contract with Cox Communications for cable service in the future, he is asking that the Council include an educational channel for future use by Pitt Community College in serving the needs of citizens. Examples of programming which might be included in such a channel are campus activities, information about educational opportunities, professional development programs through their small business center, sports events, and credit and noncredit courses. Pitt Community College has been a State leader in distance learning with a broad array of course offerings provided on the Internet. Cable television could be an equally effective vehicle for personal advancement. He would like to stress that the programming cannot be easily provided now. They lack adequate space at the campus, equipment, or personnel to do this at any great degree, but they

want to have this option for development in the future and realize that this is an extended contract. Mr. Massey thanked the Council for including Pitt Community College in its planning and they look forward to being an active partner with the City of Greenville in the areas to serve the growing population and mutual needs.

Ms. DeDe Carney, President of the League of Women Voters of Pitt County, stated that the League depends upon Public Access Channel 23 to promote civic education for citizens and to involve more people in the political process in general. The League has sponsored the Voters' Forum throughout the years. They were very lucky this year to have partnered with WNCT. The League has also done lots of programs that they would like to get on the cable station but have not been able to due to lack of resources. There is definitely a need. The League had Civics 101 series on city and county government last year that would have been excellent programs for this channel. Another one is scheduled for this year on the judicial process and hopefully, they can get that on the channel. She is also a representative of one of those 400 nonprofits in the community, Delta Sigma Theta, and they do lots of things in the community that need to be on this channel also.

Mr. Carroll Webber stated that he supports renewing of the franchise agreement with Cox Communications. He hopes that negotiators for the renewal will explore ways to encourage and fund fair use of government public access and educational channels and to provide for appropriate governance of those channels as well as to thoroughly explore creative ways. He expects that negotiators will inform and seek feedback from others such as the County Commissioners, Pitt Community College and East Carolina University at all stages of negotiation. He urges that a representative of a citizens group concerned with cable channel use be present at the negotiation table and be empowered to speak there. This group should be GPAT or any other group approved by GPAT, maybe the Pitt County Schools.

Mr. Phil Aschlauger, Vice-President and General Manager for Cox Communications of Greenville and Eastern North Carolina, stated that his purpose for being here is not to exhort the positive things that Cox Communications has contributed to the community, but to thank the City Council and citizens for their presence at the meeting. They appreciate their input. He personally, as well as the members of the City Council and their legal staff, will take this in consideration when they began their negotiations for their new agreement.

On behalf of the City Council, Mayor Parrott thanked everyone who gave their input and stated that he ensures them that the City Manager and staff will take all these things in consideration when they negotiate the new contract.

There being no further comments, the public hearing was closed.

**PUBLIC HEARING REGARDING PROPOSED ACTIVITIES INCLUDED IN 2005-2006 ANNUAL PLAN UNDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS**

Chris Davis, Community Development Administrator, explained that the program resources for FY 2005-06 are estimated to be \$1,114,451, \$914,451 from the Community Development Block Grant Program and \$200,000 from the HOME Program. The way these funds are spent is

subject to change based on community and City Council input. It will be sent to the Affordable Housing Loan Committee for review and recommendation to City Council. Any input received will be included.

Council Member Little questioned if there is a way to determine the number of available units to be built in the 45-block area. It may be desirable to put money into grants to get people in the area.

Mr. Davis explained that there will be bond funds to acquire the property. That is why the figures look low. It depends on the number of properties they acquire. They have to recombine some lots to have buildable lots.

Council Member Glover expressed concern about the people who were on the old list that were not helped. She questioned how many lots are on the rehab list.

Mr. Davis stated that there is a new list of the 45-block area of about 25 people. Staff has tried to address people on the old list as much as possible. They also need to address the issue of homeowners' houses falling down.

Council Member Glover stated that they should focus on some of the rehabs that have been on the list for ten years. She asked that the list be shared with Council.

Mr. Davis stated they may want to consider criteria when deciding how to prioritize the list. There is a source of funding from 1992 bonds that include low-interest loans. They have also funded a non-profit for urgent repair needs. World Changers is coming back the end of June, and they have free labor.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE IN SUPPORT OF 1% LOCAL OPTION SALES TAX EXCLUSIVELY FOR EDUCATION CAPITAL NEEDS IN PITT COUNTY – ADOPTED**

Mr. Scott Elliott, County Manager, appeared before the Council and asked for its support of a one percent local option sales tax to be used exclusively for education capital needs in Pitt County. This is the number one priority of Pitt County.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the resolution of support of one percent local option sales tax exclusively for education capital needs in Pitt County.

Council Member Dunn expressed concern and stated that she had talked to a legislator, who indicated that this may not be received favorably without a referendum.

County Manager Elliott stated that was his understanding.

Council Member Dunn offered an amendment to the original motion to include having voter approval. Due to the lack of a second, the motion died.

The Council then voted on the original motion made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the resolution of support of one percent local option sales tax exclusively for education capital needs in Pitt County. Motion carried with a 5:1 vote. Mayor Pro-Tem Miller and Council Members Craft, Little, Glover and Council voted in favor of the motion. Council Member Dunn voted in opposition. (Resolution No. 05-09)

#### RESOLUTION OF INTENT TO CLOSE A PORTION OF CLAREDON DRIVE - ADOPTED

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Glover to adopt the Resolution of Intent to close the unimproved portion of Claredon Drive. Motion carried unanimously. (Resolution No. 05-10)

#### RESOLUTION AUTHORIZING THE GRANT OF A CONSERVATION EASEMENT TO THE STATE OF NORTH CAROLINA UPON PROPERTY KNOWN AS THE SCARAB PROPERTIES TRACT - ADOPTED

Motion was made by Council Member Craft and seconded by Council Member Glover to adopt the resolution authorizing the grant of the SCARAB Tract Greenway Conservation Easement to the State of North Carolina. Motion carried unanimously. (Resolution No. 05-11)

#### ORDINANCE APPROVING FY 2004-05 BUDGET ORDINANCE AMENDMENT – ADOPTED

Motion was made by Council Member Craft and seconded by Council Member Glove to adopt the ordinance approving the 2004-2005 Budget Ordinance Amendment. Motion carried unanimously. (Ordinance No. 05-14)

#### PRESENTATION OF DRAFT 2005-2006 CAPITAL IMPROVEMENT PROGRAM

Mr. Tom Tysinger, Director of Public Works, stated that the estimated cost of all projects for FY 2005-10 is \$130,874,397, with those for FY 2005-06 being \$28,104,161, which is less than those for FY 2004-09. The estimated cost for the FY 2004-09 Capital Improvement Program was \$155,957,435, with an estimated FY 2004-05 cost being \$32,621,201. Bond issuances will need to be done in the amounts of \$1,100,000 for FY 2005-06, \$720,000 in FY 2007-08, and \$6,895,000 in FY 2008-09 in order to meet the needs. The bonds and grants account for \$52,465,442. The draft FY 2005-10 Capital Improvement Plan includes \$74,076,366 of met needs and \$7,695,619 in unmet needs. All 2004 general obligation bond projects are included in the plan, as are future bond issuances. Some unmet needs may be met through the Center City Revitalization Plan. The met needs in the FY 2005-2010 Capital Improvement Plan include land for Fire/Rescue Station No. 8, Fire/Rescue Station No. 7 construction in FY 2008-09, new technology (AS 400 expansion, e-gov on line, and city-wide network expansion), Center City revitalization program, and the 45-block revitalization program. The nearly balanced draft Capital Improvement Program will be brought back to the Council in March.

Mayor Pro-Tem Miller asked that staff take into consideration the goals and objectives of the City Council that were established on January 22.



CONTRACT FOR CREPE MYRTLE-HOLIDAY PARKING LOT IMPROVEMENT PROJECT – APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to award a construction contract to Carolina Earth Movers of Greenville in the amount of \$62,290 for construction of the Crepe Myrtle-Holiday Parking Lot Improvements and authorize the City Manager to execute a contract on behalf of the City. Motion carried unanimously. (Contract No. 1389)

CONTRACT FOR SYSTEMS EVALUATION AND BUILDING PROGRAM FOR OLD PEPSI PLANT AND WORTHINGTON WAREHOUSE - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve a professional services contract with Oakley Associates Architects, P.A. in the amount of \$29,746.00 and authorize the City Manager to execute on behalf of the City. Motion carried unanimously. (Contract No. 1390)

RESOLUTIONS FOR 2005 LOCAL LEGISLATIVE GOALS/ACTS - ADOPTED

Motion was made by Council Member Glover and seconded by Council Member Little to adopt the resolutions regarding legislative initiatives as follows:

- Resolution Supporting Efforts In Seeking An Increase In The Compensation For Fire Protection Services For State Properties (Resolution No. 05-12)
- Resolution Seeking Enactment Of Legislation Relating To An Exemption From The Limitation On The Area Within Satellite Corporate Limits (Resolution No. 05-13)
- Resolution Seeking Enactment Of Legislation Relating To A Reduction Of The Duration For Action On Boarded-Up Structures From One Year To Six Months (Resolution No. 05-14)
- Resolution Seeking Enactment Of Legislation Relating To A Minimum Non-Residential Structure Code (Resolution No. 05-15)
- Resolution Supporting Pitt County in Its Efforts in Seeking the Enactment of Legislation Relating to an Expansion of the Permissible Expenditure of Funds Derived from the 911 Charge (Resolution No. 05-16)

Motion carried unanimously.

REPORT ON BIDS AWARDED

City Manager Wayne Bowers referred the Council to bids that had been awarded as follows:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
12/29/04	Data Backup and Recovery System	Yorel Integrated Solutions	\$ 82,877.00
**01/07/05	Altec Bucket Truck	Altec Industries, Inc.	\$ 98,891.00
**01/20/05	Computers/Computer Equipment	Dell Marketing LP	\$118,698.62

\*\*State Contract Purchases

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Craft stated that the January Community Appearance Commission Award winners were ECU's Rivers West Addition of the Thomas River Building, Colonial Mall, and Greenville-Pitt County Chamber of Commerce.

Mayor Pro-Tem Miller stated that he attended the charter night of the new Kiwanis Club, the Aktion Kiwanis Club, which consists of disabled adults. He showed a product of a fundraiser that is being held by the group and stated that it would be displayed in the Mayor's Office for a week. The Club raised \$5,000 on the Charter night.

Council Member Council distributed packets of information that she received from the Liveable Cities Conference that she attended in January. She further stated that she attended the 19th Annual Alzheimer's Conference in Durham.

Council Member Dunn wished everyone a Happy Valentines Day.

Mayor Pro-Tem Miller commended Scott Batchelor for participating in a game of pool with the Black Widow, who is the World's Third Place pool champion.

Council Member Glover informed the Council of leadership opportunities that are available and encouraged the Council to look at their budget, because it would be good for the City Council Members to participate in such training.

CITY MANAGER'S REPORT

City Manager Bowers reminded the Council that there will be a Council meeting on February 21 at 6:00 to discuss the report from the Task Force on Neighborhoods and Housing.

Council Member Craft indicated that he will be out of State and unable to attend the meeting.

ADJOURN

Motion was made by Council Member Little and seconded by Council Member Craft to adjourn the meeting at 9:45 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC  
City Clerk